

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE BARTER HOUSE, INC., and BRIAN DIMARCO,

Plaintiffs,

-v-

INFINITY SPIRITS LCC, *a limited liability company*, DON GOOD TEQUILA COMPANY, LLC, *a limited liability company*, EUROPEAN INFINITY GROUP INC., *a corporation*, and BRIAN HOPKINS, *an individual*,

Defendants.

17 Civ. 9276 (PAE) (BCM)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court understands that the majority of the jury trials that have been given priority over this case for the week of March 8, 2021 will not be going forward this quarter.

Accordingly, there is a higher chance than previously that this case will be offered an opportunity to proceed with trial. The Court will immediately update counsel and the parties in the event that this case is offered a trial date.

As stated in the Court's November 12, 2020 Order, Dkt. 434, counsel, including Mr. Hopkins, are responsible for assuring that they, and all trial witnesses, (1) are available to attend the trial in person on the dates set, and (2) will be in full compliance with all public health requirements governing travel to New York City and entry into this courthouse, including any requirements of advance quarantines.

Plaintiffs have previously consented to a bench trial. Dkt. 429. In the event that Mr. Hopkins is unable or unwilling to travel to the United States and comply with all quarantine requirements, the Court remains ready and available to conduct a remote bench trial. Should a

Mr. Hopkins choose not to appear for a jury trial as schedule, the Court will entertain a motion, supported by legal authority, to treat his non-appearance as waiving his right to a jury trial.

Plaintiffs are directed to serve forthwith a copy of this order on Mr. Hopkins and file an affidavit stating that they have done so.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: February 12, 2021  
New York, New York